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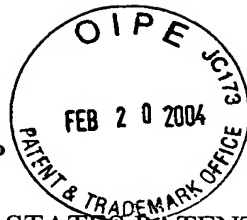
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Attorney Docket No. 9354-2IP



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Steven Just et al.
Application No.: 10/705,364
Filed: November 12, 2003
For: **Blood Pressure Cuffs With Resilient Support Sleeves**

Confirmation No. 4621
Group Art Unit: 3736
Examiner: Unknown

Date: February 18, 2004

Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of November 10, 2003 rather than November 12, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of November 10, 2003 being the correct filing date for the application which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt marked by the United States Postal Service ("USPS") as a "date-in" or deposit date with the USPS of 12:00 p.m. on November 10, 2003; and
3. A true and accurate copy of the official United States Postal Service (USPS) Track and Confirm page, confirming deposit with the USPS at 5:42 p.m. on November 10, 2003.
4. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of November 12, 2003 instead of the Express Mail date of November 10, 2003.

In re: Just et al.
Serial No.: 10/705,364
Page 2

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of November 10, 2003 as the filing date pursuant to 37 CFR § 1.10.

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

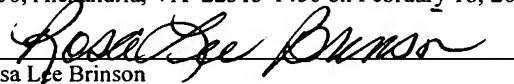


Julie H. Richardson
Attorney For Applicant
Registration No. 40,142

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 18, 2004.


Rosa Lee Brinson



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 9354-2IP

DATE: November 10, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☐ a patent application
☐ a Continuation ☐ a Divisional ☒ a Continuation-in-Part (CIP) Application of prior application no.: 10/292,174; filed November 12, 2003, the disclosure of which is incorporated herein by reference in its entirety.
☐ and claims the benefit of Provisional Application No. _____; filed _____.

Inventor(s) or Application Identifier:

Steven M. Just
David A. Gallick
Dayn C. McBee

Entitled: **BLOOD PRESSURE CUFFS WITH RESILIENT SUPPORT SLEEVES**

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 20792

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 36 pages of Specification (including 64 claims)
3. ☒ 19 sheets of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
 - a. ☒ newly executed (*original or copy*)
 - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
 - c. ☐ **DELETION OF INVENTOR(S)** (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☐ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated

by reference therein.

7. ☐ Microfiche Computer Program (*Appendix*)
8. ☒ Assignment papers (*cover sheet(s) and document(s)*)
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.
10. ☐ Information Disclosure Statement, PTO-1449, and _____ references cited
11. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☐ Certified Copy of _____ Application No. _____; Filed
14. ☐ Sequence Listing/ Sequence Listing Diskette
 a. ☐ computer readable copy
 b. ☐ paper copy
 c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Deletion of Inventor(s) (Signed statement attached deleting inventor(s) name in the prior application. See 37 CFR 1.63(d)(2) and 1.33(b).
18. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form.
19. ☐ Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate Fee	Large Entity Rate Fee
BASIC FEE			\$385.00	\$ 770.00
TOTAL CLAIMS	64 - 20 =	44	x 09 = \$	x 18 = \$ 792.00
INDEP CLAIMS	4 - 3 =	1	x 43 = \$	x 86 = \$ 86.00
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 145 = \$	+ 290 = \$
If the difference in Col. 1 is less than zero, Enter "0" in Col. 2			Total \$	Total \$1648.00

- ☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.
☒ A check in the amount of \$1688.00 is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
☐ Please charge my Deposit Account No. 50-0220 in the amount of \$ _____
☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
 a. ☒ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
 b. ☒ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,



Julie H. Richardson


Registration No. 40,142

CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV 318419670 US

Date of Deposit: November 10, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Rosa Lee Brinson

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- ENROUTE, November 10, 2003, 7:51 pm, RALEIGH, NC 27623
- ACCEPTANCE, November 10, 2003, 5:42 pm, RALEIGH, NC 27612

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<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. (With delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and it authorize that delivery employee's signature constitutes valid proof of delivery.		
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MS Patent Application
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EV318419670US

MS Patent Application

Commissioner for Patents
P.O. Box 1450
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JHR/r16

Date: 11-10-03
Doc. No. 9354-2ip
Serial No. TBA

11-20-03 A09 Inventor: Just et al.

Sir: Kindly acknowledge receipt of the accompanying items listed below
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<input checked="" type="checkbox"/> No. of Claims <u>64</u>
<input checked="" type="checkbox"/> Declaration & POA
<input checked="" type="checkbox"/> Assignment and Fee
<input checked="" type="checkbox"/> Small Entity Statement
<input checked="" type="checkbox"/> Formal Drawings/ <u>19</u> sheets
<input checked="" type="checkbox"/> Associate Power of Attorney
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Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC, P.A. 111203
Attorneys for Applicant